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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,195	10/05/2005	Osamu Watanabe	112857-490	7320
29175	7590	06/03/2009		
K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			EXAMINER INGVOLDSTAD, BENNETT	
			ART UNIT 2427	PAPER NUMBER
			MAIL DATE 06/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,195

Applicant(s)

WATANABE ET AL.

Examiner

Bennett Ingvaldstad

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11 March 2009 have been fully considered.

Applicant's arguments that the primary Sciammarella reference ("Sciammarella I") fails to teach the new limitations requiring that all of the content cards are displayed are moot in view of the newly cited Hayashi reference.

Applicant further argues that Sciammarella I does not meet the limitation requiring hiding the content information for the card group. The examiner has cited to Sciammarella I's Figure 4 as teaching this limitation, the content information comprising the filename, size, date, etc, which is only displayed for the selected content card, not the card group. The examiner has thus interpreted content information as not comprising the thumbnails that are displayed at least partially for each card. Applicant traverses and cites to Sciammarella I to argue that "content information" can include a thumbnail image. Remarks at 9. However, Sciammarella I does not define or use the term "content information" so the examiner's interpretation of content information is valid. Sciammarella I's description of the information 26 as "further information about the focus thumbnail" at paragraph 51 is not inconsistent with the examiner's interpretation of content information, and does not imply that the thumbnail is part of the "further information". Neither does Applicant's specification explicitly define content information so as to limit the scope of the claim term.

Applicant further argues that Sciammarella I does not meet the limitation requiring a shape of the parametric curve to change in response to movement of the selection indicator. The examiner previously pointed to Sciammarella I's teaching in paragraph 81 that the radius of the parametric helix is reduced when scrolling as meeting the limitation. Applicant traverses and argues that Sciammarella I's helix changes in response to a change in browsing speed. Remarks at 10. This is unpersuasive; Sciammarella I states that a change in browsing speed occurs at the time of a change in shape, but says nothing about whether one is in response to the other. Applicant further argues that the shape change only happens after the browsing input occurs for a predetermined period of time. Remarks at 10. The examiner therefore notes that that the claim language is not inconsistent with the shape changing after a predetermined period of time of a continuous movement of a selection indicator, as this meets the claimed "changing in response to a movement of the selection indicator."

Therefore, the arguments are unpersuasive and the previous rejections are upheld.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella '848 (US 2002/0033848) in view of Hayashi (US 2002/0054157).

Claim 22: Sciammarella discloses a display processing apparatus for performing a process for displaying content information that is classified into genres (displaying information about data files in audio or image genres [Abstract]), the display processing apparatus comprising:

content display data generating means for performing a process for configuring content cards recording content information in association with content items (thumbnail cards record content information 26 comprising file name, size, and date information [Fig 4]), displaying a card group including a plurality of content cards configured in associated with content items as a card group that indicates only the presence of content with the content information being hidden (the content information for each thumbnail is only visible for the selected thumbnail 25' [Fig 4]), and

displaying a content item selected by a user-operable selection indicator in a portion adjacent to the card group with the content information being displayed (the selected thumbnail 25' with content information 26 [Fig 4]); and

wherein the content information is continuously displayed according to a user selection operation (focus outline continuously displays the selected thumbnail [0050] along with content information [Fig 4]), and the content display data generating means is configured to perform a process for moving the content cards along a parametric

curve (a helix [Fig 4]), a shape of the parametric curve changing in response to a movement of the selection indicator (para [0081]).

In the embodiment of Figure 4, Sciammarella displays a plurality of cards, but does not teach that all of the cards are displayed simultaneously. Hayashi teaches a similar user interface for displaying cards wherein all of the cards may be displayed simultaneously (see Figs 7-9 and para 0164).

It is obvious to combine known elements according to known methods to yield predictable results. Therefore, it would have been obvious to have combined the user interface of Sciammarella with the small number of data cards of Hayashi according to the described methods of displaying the cards and for the predictable result of displaying all of the cards on the screen at the same time.

Further in a separate embodiment, Sciammarella discloses:

display data generating means for performing a process for displaying genres corresponding displayed content information and displaying the genre of the selected content information as being displayed (genre bar along bottom edge of the screen [Fig 31], "Images" near the top right corner to indicate the selected genre [Fig 31]).

It would have been obvious to have combined the display embodiments for the purpose of allowing the user to more easily select the genre of content for display and to see the currently displayed genre while using the helix display method [Fig 4].

Claim 23, depending on claim 22: Sciammarella further discloses wherein the content display data generating means is configured to perform a process for

determining the manner in which each of the content cards is displayed depending on the relative position of the selection indicator in the card group (the thumbnails are scaled based on their placement within the sequence of thumbnails in relation to the selected thumbnail [Fig 4] [0057]).

Claim 24, depending on claim 22: Sciammarella further discloses wherein the content display data generating means is configured to determine the manner in which each of the content cards is displayed depending on the relative position of the selection indicator in the card group (the thumbnails are overlaid based on their placement within the sequence of thumbnails in relation to the selected thumbnail [Fig 2] [0055]), and

is configured to perform a display process in which a content card at a position close to the selection indicator is set to an angle at which the content information is displayed and a content card at a position far from the selection indicator is set to an angle at which the content information is hidden (filename content information 31 is displayed for thumbnails 23 close to the selected thumbnail 25 but hidden for those far away, i.e. off the edge of the screen [Fig 2]).

Claim 25, depending on claim 22: Sciammarella further discloses wherein the content display data generating means is configured to perform a process for moving the content cards along a parametric curve (along a helix [Fig 4] [0059]) and displaying a content item selected by the selection indicator at a position on the parametric curve

apart from the card group with the content information being displayed (displaying the selected image content item with the content information [Fig 19] [0088]).

Claim 26: Sciammarella discloses a display processing method for performing a process for displaying content information that is classified into genres (displaying information about data files in audio or image genres [Abstract]), the display processing method comprising:

configuring content cards recording content information in association with content items (thumbnail cards recording file name, size, date information for each file [Fig 4]) and displaying a card group including a plurality of content cards configured in association with content items as a card group that indicates only the presence of content with the content information being hidden (displaying thumbnails representing the number of files, the content information 26 visible for only the selected thumbnail 25' [Fig 4]);

displaying a content item selected by a user-operable selection indicator in a portion adjacent to the card group with the content information being displayed (the selected thumbnail 25' with content information 26 [Fig 4]); and

wherein the content information is continuously displayed according to a user selection operation (focus outline continuously displays the selected thumbnail [0050] along with content information [Fig 4]) by moving the content cards along a parametric curve (a helix [Fig 4]), a shape of the parametric curve changing in response to a movement of the selection indicator [para 0081].

In the embodiment of Figure 4, Sciammarella displays a plurality of cards, but does not teach that all of the cards are displayed. Figure 4 illustrates an embodiment in which a great number of data objects are stored, such that not all the thumbnails can be displayed (see para [0078]). However, Sciammarella's consideration that the system works "even when the memory card 2 stores a great number of data objects" such that not all of the thumbnails can be displayed simultaneously implies at least the existence of data sets containing a smaller number of data objects such that all of the thumbnails can be displayed simultaneously. Therefore, it is implied or obvious for Sciammarella to display a smaller number of cards along the helix of Figure 4 such that all of the cards are displayed on the screen.

Further in a separate embodiment, Sciammarella discloses:

display data generating means for performing a process for displaying genres corresponding displayed content information and displaying the genre of the selected content information as being displayed (genre bar along bottom edge of the screen [Fig 31], "Images" near the top right corner to indicate the selected genre [Fig 31]).

It would have been obvious to have combined the display embodiments for the purpose of allowing the user to more easily select the genre of content for display and to see the currently displayed genre while using the helix display method [Fig 4].

Claim 27, depending on claim 26: Sciammarella further discloses performing a process for determining the manner in which each of the content cards is displayed depending on the relative position of the selection indicator in the card group (the

thumbnails are scaled based on their placement within the sequence of thumbnails in relation to the selected thumbnail [Fig 4] [0057]).

Claim 28, depending on claim 26: Sciammarella further discloses wherein the display processing method comprises determining a manner in which each of the content cards is displayed depending on the relative position of the selection indicator in the card group (the thumbnails are overlaid based on their placement within the sequence of thumbnails in relation to the selected thumbnail [Fig 2] [0055]), and performs a display process in which a content card at a position close to the selection indicator is set to an angle at which the content information is displayed and a content card at a position far from the selection indicator is set to an angle at which the content information is hidden (filename content information 31 is displayed for thumbnails 23 close to the selected thumbnail 25 but hidden for those far away, i.e. off the edge of the screen [Fig 2]).

Claim 29, depending on claim 26: Sciammarella further discloses wherein the display processing method performs a process for moving the content cards along a parametric curve (along a helix [Fig 4] [0059]) and displaying a content item selected by the selection indicator at a position on the parametric curve apart from the card group with the content information being displayed (displaying the selected image content item with the content information [Fig 19] [0088]).

Claim 30: Sciammarella discloses a computer readable medium encoded with a computer program for performing a process for displaying content information that is classified into genres (displaying information about data files in audio or image genres [Abstract]), the computer program comprising:

a step of configuring content cards recording content information in association with content items (thumbnail cards recording file name, size, date information for each file [Fig 4]) and displaying a card group including a plurality of content cards configured in association with content items as a card group that indicates only the presence of content with the content information being hidden (displaying thumbnails representing the number of files, the content information 26 visible for only the selected thumbnail 25' [Fig 4]);

a step of displaying a content item selected by a user- operable selection indicator in a portion adjacent to the card group with the content information being displayed (the selected thumbnail 25' with content information 26 [Fig 4]); and

wherein the content information is continuously displayed according to a user selection operation (focus outline continuously displays the selected thumbnail [0050] along with content information [Fig 4]) by moving the content cards along a parametric curve (a helix [Fig 4]), a shape of the parametric curve changing in response to a movement of the selection indicator [para 0081].

In the embodiment of Figure 4, Sciammarella displays a plurality of cards, but does not teach that all of the cards are displayed. Figure 4 illustrates an embodiment in which a great number of data objects are stored, such that not all the thumbnails can be

displayed (see para [0078]). However, Sciammarella's consideration that the system works "even when the memory card 2 stores a great number of data objects" such that not all of the thumbnails can be displayed simultaneously implies at least the existence of data sets containing a smaller number of data objects such that all of the thumbnails can be displayed simultaneously. Therefore, it is implied or obvious for Sciammarella to display a smaller number of cards along the helix of Figure 4 such that all of the cards are displayed on the screen.

Further in a separate embodiment, Sciammarella discloses:

display data generating means for performing a process for displaying genres corresponding displayed content information and displaying the genre of the selected content information as being displayed (genre bar along bottom edge of the screen [Fig 31], "Images" near the top right corner to indicate the selected genre [Fig 31]).

It would have been obvious to have combined the display embodiments for the purpose of allowing the user to more easily select the genre of content for display and to see the currently displayed genre while using the helix display method [Fig 4].

Claims 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella '848 (US 2002/0033848) in view of Hayashi (US 2002/0054157) and Sciammarella '940 (US 6281940).

Claims 31, 33, and 35: Sciammarella '848 does not further disclose wherein the genre is based on an electronic program guide.

Sciammarella '940 discloses a graphical user interface that is similar to the '848 reference's GUI. The '848 GUI is used to preview image and audio files [Abstract], whereas the '940 GUI is used to preview broadcast media programs [Abstract]. The '940 GUI is thus an electronic program guide [Figs 4 and 7a-c] by virtue of comprising selectable broadcast media channels.

It would have been obvious to have modified the '848 reference's GUI to have been an EPG, the genres thus being selectable via the EPG and therefore "based on" an EPG, for the purpose of previewing and displaying additional types of media such as broadcast media for selection ['940 col. 1, l. 17-19].

Claims 32, 34, and 36: Sciammarella '848 does not further disclose wherein the genres include news and drama.

Sciammarella '940 discloses that genres such as movies or news [col. 6, l. 19-28] may include subgenres such as drama [col. 2, l. 27-32].

Therefore it would have been obvious to modify the genres of Sciammarella '848 (e.g. movies ['848 Fig 31]) to comprise the "news" genre and subgenres such as drama, for the purpose of further categorizing broadcast programs, thus allowing easier selection of a desired type of program.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427